

ACT #2021 - 275

1 SB179

2 208640-3

3 By Senators Coleman-Madison, Singleton, Smitherman and Figures

4 RFD: Healthcare

5 First Read: 03-FEB-21



SB179

ENROLLED, An Act,

To amend Section 34-21-2, Code of Alabama 1975, as amended by Act 2019-102, 2019 Regular Session, relating to the duties of the Board of Nursing; to authorize the board, by rule, to establish standards for student nurse apprenticeships and to issue student nurse apprentice permits to eligible students; and to authorize the board, by rule, to establish standards for certified medication assistants and to issue certified medication assistant permits to eligible applicants.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 34-21-2 of the Code of Alabama 1975, as amended by Act 2019-102, 2019 Regular Session, is amended to read as follows:

"§34-21-2.

"(a) There is created the Board of Nursing, which shall be composed of 13 members to be appointed and have the duties and powers enumerated in this section. The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. In order to insure continuity of administration, the nine board members provided for by Section 3 of Act 427, Regular Session 1975, shall continue to serve to the

1 completion of the term for which they are serving. The
2 Governor, within 60 days of January 1, 1984, shall appoint a
3 tenth member who shall be a licensed practical nurse for a
4 term of four years from a list of nominees furnished him or
5 her by the Alabama Federation of Licensed Practical Nurses,
6 Incorporated, or its successor organization. As the terms of
7 all board members expire, their successors shall be appointed
8 for terms of four years each. Vacancies in unexpired terms
9 shall be filled in the same manner as original appointments
10 are made. No member shall be appointed to more than two
11 consecutive terms of four years each. Eight members of the
12 board shall be licensed professional nurses, and four members
13 of the board shall be licensed practical nurses.

14 "(b) (1) The Governor shall appoint the members of
15 the board who are licensed professional nurses from a list of
16 nominees who are selected by the Board of Nursing Nomination
17 Committee and furnished to the Governor by the Alabama State
18 Nurses Association, or its successor organization, and such
19 list, when furnished, shall contain at least twice the number
20 of nominees as there are appointments to be made or vacancies
21 to be filled. The Alabama State Nurses Association, or its
22 successor organization, on or before December 1 of each year,
23 or at such other times as necessary, shall furnish the
24 Governor with a list of licensed professional nurses qualified
25 for appointment to the board. In the nominating and appointing

1 process, due care shall be taken to ensure the maintenance of
2 qualified representation from the fields of nursing education,
3 nursing administration, clinical nursing, and advanced
4 practice nursing.

5 "(2) The Governor shall appoint two of the members
6 of the board who are to be licensed practical nurses from a
7 list of nominees furnished him or her by the Board of
8 Directors of the Licensed Practical Nurses Association of
9 Alabama, or its successor organization, and such list, when
10 furnished, shall contain at least twice the number of nominees
11 for the vacancies to be filled. The Board of Directors of the
12 Licensed Practical Nurses Association of Alabama, or its
13 successor organization, on or before December 1 of each year
14 in which the term of office of a board member or a nominee of
15 the Board of Directors shall expire, or at such other time as
16 necessary, shall furnish the Governor with such list of
17 licensed practical nurses qualified for appointment to the
18 board.

19 "(3) The Governor shall appoint two members on the
20 board who are to be licensed practical nurses from a list of
21 nominees furnished him or her by the Board of Directors of the
22 Alabama Federation of Licensed Practical Nurses, Incorporated,
23 or its successor organization, and such list, when furnished,
24 shall contain at least twice the number of nominees for the
25 vacancies to be filled. The Board of Directors of the Alabama

1 Federation of Licensed Practical Nurses, Incorporated, or its
 2 successor organization, on or before December 1 of each year
 3 in which the term of office of the board member filled by the
 4 nominee of such board of directors shall expire, or at such
 5 other times as necessary, shall furnish the Governor with a
 6 list of licensed practical nurses qualified for appointment to
 7 the board.

8 "(c) The Governor may remove any member from the
 9 board for neglect of duty of the board, incompetency, or
 10 unprofessional or dishonorable conduct.

11 "(d) Each person appointed to the board as a
 12 licensed professional nurse shall be a citizen of the United
 13 States, a resident of the State of Alabama, and have all of
 14 these additional qualifications:

15 "(1) Be a graduate of a state-approved educational
 16 program for the preparation of practitioners of professional
 17 nursing.

18 "(2) Be a currently licensed professional nurse in
 19 Alabama.

20 "(3) Have a minimum of five years' successful
 21 nursing experience in an administrative, teaching, clinical
 22 capacity, or advanced practice.

23 "(4) Be actively engaged in professional nursing in
 24 this state immediately preceding and during appointment.

1 "(e) Each person appointed to the board as a
2 licensed practical nurse shall be a citizen of the United
3 States, a resident of the State of Alabama, and have all of
4 these additional qualifications:

5 "(1) Hold a diploma from an accredited high school
6 or its equivalent.

7 "(2) Be a graduate of a state-approved vocational
8 educational program for the preparation of practitioners of
9 licensed practical nursing.

10 "(3) Be a currently licensed practical nurse in
11 Alabama.

12 "(4) Have a minimum of five years' successful
13 nursing experience.

14 "(5) Be actively engaged in licensed practical
15 nursing in this state immediately preceding and during
16 appointment.

17 "(f) There shall be one member of the board who is a
18 consumer and who is not a member of any of the health care
19 professions. The consumer member shall be appointed by the
20 Governor effective January 1, 1998, and shall serve for a term
21 of four years. His or her successor shall be appointed in a
22 like manner at the expiration of each term or upon a vacancy
23 for the remainder of an unexpired term of office. The consumer
24 member of the board shall have, presently or formerly, no
25 direct financial interest in any health care facility,

profession, agency, or insurer, or be, or have been, a health care worker.

"(g) There shall be two advanced practice nurse positions to be filled effective January 1, 1998, in the same manner as all other professional nurse positions. One advanced practice nurse position shall be served for an initial five-year term and successors shall serve four-year terms. The remaining member appointed to an advance practice nurse position shall serve an initial four-year term and successors shall serve four-year terms.

"(h) All members of the board shall enjoy immunity from individual civil liability while acting within the scope of their duties as board members.

"(i) The board shall have the following powers and perform the following duties: It shall meet at least once a year and shall, at its organizational meeting and at its annual meetings thereafter, elect from its members a president, a ~~vice-president~~ vice president, and a secretary. It may hold such other and additional meetings during any year as it deems necessary for the transaction of business. A majority of the board, including one officer, shall constitute a quorum at any meeting.

"(j) The board may:

1 "(1) Adopt and, from time to time, revise such
2 rules, not inconsistent with law, as may be necessary to carry
3 out this chapter.

4 "(2) Prescribe standards and approve curricula for
5 nursing educational programs preparing persons for licensure
6 under this chapter.

7 "(3) Provide for surveys and evaluations of such
8 programs at such times as it may deem necessary.

9 "(4) Approve such nursing educational programs as
10 meet the requirements of this chapter and the board. Nothing
11 in this chapter shall be construed to diminish the power of
12 the State Board of Education or other constitutionally or
13 legislatively established state agencies to govern the schools
14 under their respective jurisdictions.

15 "(5) Deny or withdraw approval from educational
16 programs for failure to meet prescribed standards. Withdrawal
17 of approval shall be effected only after a hearing in
18 accordance with board rules.

19 "(6) Examine, license, and renew the licenses of
20 duly qualified applicants and require employers to submit
21 listings of personnel covered by this chapter to the board
22 upon request including, but not limited to, personnel
23 practicing nursing in Alabama under a multistate license, a
24 single state license, or a multistate licensure privilege. The

1 board may issue qualified applicants either a single state
2 license or a multistate license.

3 "(7) Adopt and, from time to time, revise rules
4 providing standards including, but not limited to, scope of
5 practice, for student nurse apprenticeships and the issuance
6 of student nurse apprentice permits by the board to eligible
7 students.

8 "(8) Adopt and, from time to time, revise rules
9 providing standards including, but not limited to, scope of
10 practice, for certified medication assistants and the issuance
11 of certified medication assistant permits by the board to
12 eligible applicants. For purposes of this chapter, a certified
13 medication assistant is an unlicensed assistive personnel who
14 has successfully completed a board-approved curriculum for
15 assistance with medications, or a comparable program in
16 another state, and who holds a valid certification as a
17 medication assistant. Practice by a certified medication
18 assistant is limited to employment in health care or
19 educational facilities that are licensed, certified, or
20 operated by this state.

21 "~~(7)~~ (9) Conduct investigations, hearings, and
22 proceedings concerning alleged violations of this section or
23 of the rules of the board.

1 "~~(8)~~ (10) Have the power to issue subpoenas, compel
2 the attendance of witnesses, and administer oaths to persons
3 giving testimony at hearings.

4 "~~(9)~~ (11) Cause the prosecution of all persons
5 violating this chapter and incur such necessary expenses
6 therefor.

7 "~~(10)~~ (12) Keep a public record of all of its
8 proceedings.

9 "~~(11)~~ (13) Keep a register of all licensees.

10 "~~(12)~~ (14) Make an annual report to the Governor.

11 "~~(13)~~ (15) Appoint and employ a qualified person, not
12 subject to the state Merit System, who shall not be a member
13 of the board, to serve as executive officer and administrator
14 and commissioner of the Enhanced Nurse Licensure Compact for
15 Alabama.

16 "~~(14)~~ (16) Define the duties and fix the compensation
17 of the executive officer and administrator and commissioner of
18 the Enhanced Nurse Licensure Compact for Alabama, with the
19 approval of the Governor and the State Personnel Board as
20 provided in Section 36-6-6.

21 "~~(15)~~ (17) Employ such other persons as may be
22 necessary to carry on the work of the board and provide for
23 appropriate bonding of employees. Regular employees of the
24 board shall be employed subject to the state Merit System in
25 effect on January 1, 1966, or at the time of employment.

1 "~~(16)~~ (18) Employ consultants, specialists, counsel,
2 or other specially qualified persons under contract or on a
3 part-time basis to assist it in administering this chapter and
4 without regard to the state Merit System in effect on or after
5 January 1, 1966, and pay for the services of such persons.

6 "~~(17)~~ (19) Accept gifts and grants upon terms and
7 conditions imposed by it through official resolutions.

8 "~~(18)~~ (20) Perform such other duties, not
9 inconsistent with law, as required by this chapter to foster
10 and improve nursing and the regulation thereof and the public
11 health of this state.

12 "~~(19)~~ (21) Expend funds of the board in exercising
13 its powers and duties and in administering this chapter.

14 "~~(20)~~ (22) Determine and collect reasonable fees.

15 "~~(21)~~ (23) Adopt standards for registered and
16 practical nursing practice and for continued competency of
17 licensees.

18 "~~(22)~~ (24) Join organizations that develop and
19 regulate the national nursing licensure examinations and
20 promote the improvement of the legal standards of the practice
21 of nursing for the protection of the public health, safety,
22 and welfare.

23 "(k) The executive officer employed by the board
24 shall be a citizen of the United States, a person of the
25 highest integrity, and possess these additional

1 qualifications: Be a licensed professional nurse in Alabama or
2 eligible for licensure, be a graduate of a professional
3 nursing program approved by the state in which the program was
4 completed, hold a master's degree, and have had a varied
5 experience in nursing, including at least five years'
6 experience in an administrative or teaching capacity.

7 "(l) The executive officer shall be bonded for the
8 faithful performance of the duties of the office in the sum of
9 not less than five thousand dollars (\$5,000), and the premium
10 of the bond shall be paid out of the funds of the board.

11 "(m) Each member of the board shall receive the same
12 per diem and travel allowance as is paid by law to state
13 employees for each day's attendance at the board meetings
14 incurred in the discharge of his or her duties as a board
15 member in addition to any daily compensation or allowance, if
16 any, as may be provided by the board, in such amount as may be
17 determined by the board. Any member of the board engaged in
18 duties under the direction of the board shall receive the per
19 diem and travel expenses and daily compensation or allowance
20 authorized by the board.

21 "(n) Nothing in this chapter shall limit the rights
22 of affected parties to appeal decisions of the board with
23 regard to rules ~~and regulations promulgated~~ adopted pursuant
24 to this chapter.

1 "(o) Participation by the state in the compact
2 provided in Article 7 shall be subject to review and
3 evaluation by the Sunset Committee pursuant to Chapter 20 of
4 Title 41, with the first review occurring in 2024. The Sunset
5 Committee shall determine whether continued participation in
6 the compact is in the best interests of the board or the
7 licensees of the board. The Sunset Committee shall also review
8 and evaluate participation in the compact within one year
9 after the occurrence of any of the following:

10 "(1) The annual assessment charged the board for
11 participation in the compact exceeds one-half of one percent
12 of the gross revenue of the board for the fiscal year
13 immediately preceding the levying of the annual assessment.

14 "(2) The state, the board, or members or employees
15 of the state or board are named defendants in a suit brought
16 in any court of law or equity by the Interstate Commission of
17 Nurse Licensure Compact Administrators pursuant to Article 7.

18 "(3) The passage of a resolution by either house of
19 the Legislature requesting review pursuant to subsection (d)
20 of Section 41-20-3."

21 Section 2. This act shall become effective on the
22 first day of the third month following its passage and
23 approval by the Governor, or its otherwise becoming law.

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB179

Senate 02-MAR-21

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 13-APR-21

By: Senator Coleman-Madison

APPROVED

TIME

GOVERNOR

Alabama Secretary Of State

Act Num....: 2021-275
Bill Num....: S-179

Recv'd 04/22/21 01:34pmSLF

SPONSOR

Leman-Madison

SPONSORS

ingleton

19

mherrman

20

gures

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

SENATE ACTION

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 179.

yeas 27 nays 0 abstain 0

PATRICK HARRIS,
Secretary

I hereby certify that the notice & proof is attached to the Bill, SB _____ as required in the General Acts of Alabama, 1975 Act No. 919.

PATRICK HARRIS,
Secretary

CONFERENCE COMMITTEE

Senate Conferees _____

HOUSE ACTION

DATE:

3.2 2021

RD 1 RFD

Health

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on Health was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed, w/amend(s) _____ w/sub _____ This 10th day of March, 2021.

Paul W. F..., Chairperson

DATE:

3.11 2021

RF

RD 2 CAL

DATE:

20__

RE-REFERRED ☐

RE-COMMITTED ☐

Committee _____

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 179.

YEAS 95 NAYS 0

JEFF WOODARD,
Clerk